

1937

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F. W. Hoskins

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Recommended Citation

Hoskins, F. W. (1937) "The St. Joseph Convention III: The Making of Florida's First Constitution," *Florida Historical Quarterly*. Vol. 16 : No. 4 , Article 4.

Available at: <https://stars.library.ucf.edu/fhq/vol16/iss4/4>

THE ST. JOSEPH CONVENTION

The Making of Florida's First Constitution

By F. W. HOSKINS

(The third instalment)

At last the work of the convention drew to a close. The differences that arose as the various articles of the constitution were reported by each committee were finally adjusted and the proposed constitution was ready to be submitted to the house. Nearly six weeks had passed since the convention had assembled. Many acquaintances had been made, friendships formed, and associations enjoyed, and now this was the last day. The convention would pass into history, and many were never to meet again. We cannot do better than quote from the journal

Friday, Jan. 11th, 1839.

After several clerical corrections were made by consent of the Convention, it was read a third time by its Title, and, upon the question being put by the President, "Shall this be the Constitution of Florida?", the ayes and nays were called, and were as follows:-

AYES-The President,

Allen,
Baltzell,
Bellamy, of Jefferson,
Bird,
Brooks,
Brown, of Leon,*
Cabell,
Crichton,
Garey,*
Haddock,
Hunter,*
Levy,
Malone,
Mays,*
McKinnon,
McGehee,
Meacham,
Partridge,
Parkhill,*

Anderson,
Bartlett,
Bellamy, of Jackson,
Blount,
Brown, of Monroe,
Bunce,
Cooper,*
Duval,*
Garrison,
Hooker,
Jenckes,
Long,
Marvin,
McClellan,
McLean,
McCants,
Morton,*
Read, of Leon,
Roche,

Robbins,
Semmes,
Taylor,*
Ward,
Webb,
White,
Wood,
Wright,*

Sanchez,
Stephens,*
Thompson,*
Watts,
Westcott,
Williams,
Woodward,
Wyatt,

- 5 5

NAYS-Richard Fitzpatrick 1
(*Proxies-12)

Whereupon the President arose and said, "I solemnly proclaim and declare this to be the Constitution of the State of Florida."

Adjournment was then made to meet in the evening session, and we quote again from the journal:

Evening session.

Mr. Read, of Leon, moved that the President of the Convention now sign the Constitution, after which the members of the Convention, by their Senatorial Districts, commencing with Escambia County shall sign, and that it be countersigned by the Secretary of the Convention, which was concurred in. Whereupon Mr. Marvin presented the Constitution for the signature of the President, after which the members of the Convention, as their names were called, came forward and affixed their signatures to the instrument, which was countersigned by the Secretary, as follows:

ROBERT RAYMOND REID, President.

Walker Anderson.
John L. McKinnon
Daniel G. McLean
Stephen G. Roche
E. Robbins
Cosam Emir Bartlett
Thomas Baltzell
Samuel C. Bellamy
Alfred L. Woodward
Richard H. Long
R. C. Allen
Banks Meacham
John W. Malone
George T. Ward
W. Wyatt

James D. Westcott, Jr.
Leigh Read
E. Carrington Cabell
J. M. McCants
John C. McGehee
Joseph B. Watts
William B. Hooker
Wilson Brooks
George E. McClellan
John F. Webb
I. Garrison
E. K. White
A. W. Crichton
Oliver Wood
Wm. Haddock

Jose Simeon Sanchez
Edwin T. Jenckes
David Levy
W. H. Williams
A. Bellamy

John W. Partridge
William Bunce
William Marvin J. B. Brown

Edmund Bird

JOSHUA KNOWLES, Secretary.

It was moved, and concurred in, that those members who were absent be permitted to affix their names to the Constitution, on application to the Secretary.

A writer in the *Florida Watchman*, of Jan. 19th, following, describes the closing scenes of the convention as follows

It was one of deep and thrilling interest—one well calculated to awaken the sensibilities of all present. Upon the final passage of the Constitution, though the Convention Hall was crowded, a deep and perfect silence rested upon the audience. The instrument was first presented to the president for his signature, after which the members, one by one, came forward in a solemn manner and signed their names. It was then presented to the president for safe-keeping. Mr. Marvin was then called to the Chair, and a resolution approving of the impartial and dignified course of the presiding officer was introduced by Mr. Anderson, of Escambia, followed by a chaste and complimentary address, after which the president resumed his seat, and, in his usual happy style, replied to the sentiments contained in the resolution. The Chaplain then closed the proceedings with prayer.

The scene was one that we shall never forget. It was one of moral grandeur, well calculated to infuse into every person the most ardent feelings of patriotism.

Mr. Anderson's resolution was as follows:

Resolved—unanimously—That the thanks of this Convention be presented to the Hon. Robert Raymond Reid, for the dignity, ability and impartiality with which he has presided over its deliberations.

Upon resuming the chair President Reid replying to the resolution introduced by Mr. Anderson said:

I congratulate you, and the country, fellow-citizens upon the work you have accomplished, and when the obstacles and embarrassments by which you have been opposed are remembered, your fortitude, your zeal, your untiring industry cannot be sufficiently admired.

We met here surrounded by difficulties; there was a miscalculation among ourselves, perhaps among our constituents, of the labor to be performed. It was supposed that one or two weeks were sufficient for the formation and adoption of a Constitution. We seemed to forget that for the most part we were strangers to each other—that each of us had, when reflecting upon the important subject of state government, become imbued with and attached to his own peculiar views; that some of us had pledged ourselves to particular doctrines before the people; that there were sectional interests, and even personal feelings to perplex and annoy us. We seemed to forget that time was necessary for the just appreciation of the character, motives and designs of each other; for the interchange of opinions for a comparison of tenets; for removing prejudices and softening opposition; for the correction of errors, and the establishment of truth.

Besides, we were without books for the models of constitutional legislation; the opinions of the

great lawyers of the world the history of the past and present times (all so necessary to the completion of our task). We were dependent, almost entirely, upon memory.

But nobly and faithfully have you performed your duty you have compromised opinions without deserting principles you have suppressed feelings and subdued sectional predilections; each has yielded something to the other. Aided by patriotism and guided by wisdom, you have at length framed a constitution every way worthy of the ability and skill which were brought to their construction.

Fellow citizens, there was a time when there was little in the prospect save rupture and ruin, but your magnanimity, your love of country, your just estimate of the consequences of disaster at such a crisis, were all exerted to ward off the impending evil. And it is now our pride and our blessing that the storm has passed away, and skies are again serene, and we are now approaching the haven so long the object of our anxious wishes.

I am happy, fellow citizens, that it has been your pleasure to submit the constitution to the people; although with a generous confidence they did not require so much of you, yet there is a manifest propriety in presenting that law, which is to be paramount and permanent, to the final arbitrament of the people. This opinion is not mine, nor yours alone; it was entertained and inculcated by the great prophet of democracy Jefferson.

If the people approve the work, their judgment will meet, in the halls of Congress, with respect and attention. When the fiat of the popular will shall be impressed upon the constitution, those who represent the freemen of the

state cannot—will not—be indifferent to the voice of freeman claiming moderately, but firmly, the right of self-government. Another advantage must attend the course you have adopted. You will calmly, and at leisure, organize your state government; you will not embarrass the country, and evince disrespect to the general government by a hasty and rash attempt to supersede the federal authorities—you will proceed slowly, perhaps, but surely, adding strength until at last your admission into the union of the United States will be secured by that public opinion which shall rally upon your side.

I am aware there is no one in the convention who can say of that instrument which lies before me, that it contains no line which, dying, he could wish to blot. No, the constitution is imperfect, but was it ever otherwise with the production of even the highest genius, or the strongest intellect

“ Whoe’r expects a faultless piece to see,
Hopes what ne’er was, nor is, nor e’er
shall be.

The true question is, do not its perfections far outweigh its defects? What some consider imperfect, others deem excellent. But all will, I think, agree that the work is more to be commended than condemned. Whoever thought of denying glory to the sun because there were spots upon his disc? Whoever thought of withdrawing his admiration from the beauties of nature because the trail of the serpent is over them all?

Fellow citizens, in responding to your kind notice of my services in this place, permit me to assure you that my heart is constantly throb-

bing with the full pulse of gratitude for your favor, indulgence, and support. I am deeply sensible that without these I could not have sustained myself in the high station to which it was your pleasure to call me. All I claim for myself, here or elsewhere, is an anxious desire to perform my duty; if I fail it is because my powers are unequal to my wishes; because my utmost efforts cannot, through frailty and weakness, attain the lofty standard ever present to my mind.

We part, never, perhaps, to meet again. May you return in safety to your homes and expectant friends, cheered by the consciousness of having performed your duty, and greeted by the approbation of your constituents, that highest reward of the American citizen.

Fellow citizens, I tender to you an affectionate farewell. May the temple you have this day erected to liberty, long remain the honor, the safety, the protection of the people of Florida.

Thereupon

On motion of Mr. Marvin, the proceedings of the Convention were concluded with prayer by the Chaplain.

Judge Reid had been appointed to the bench of the Superior Court of the District of East Florida in 1832, and in 1838 had been elected a delegate to the constitutional convention. In December 1839, he was appointed governor of Florida; and on July 1, 1841, he died near Tallahassee. The editor of the *St. Augustine Herald* on July 15th following, in writing of his work, character, and achievements, said

But the brightest spot within his existence was as president of the late convention at St.

Joseph. In 1838, the Legislative Council of the Territory passed an Act authorizing the people to elect delegates to a convention to frame a constitution preparatory to entering into a state form of government. This body convened and he was elected its president. There is sublimity in the sight of a people assembling in their primary capacity to devise measures for governing themselves. Such a spectacle seldom presents itself, and, for the first time in our life we saw it in Florida.

There was, at that particular juncture, a severe contest raging between the aristocracy and the people-between the money power and the democracy, each contending for the mastery, each resolved to do or die. Fierce and angry discussions, stormy and turbulent debates arose, and it was then that the master spirit of Robert Raymond Reid displayed its power. Kind and conciliating, he calmed and quelled the tempests as they arose with almost superhuman strength. With an eloquence peculiarly his own, he enforced his arguments with thoughts that breathe and words that burn, and the excited passions of men sunk restless before his fervid eloquence. He, with his colleagues, kept the convention together when it was often threatened with dissolution, and the result was, instead of a disgraceful act, that splendid production of human genius and combined wisdom, the Constitution of Florida, an imperishable monument on which is engraved in letters of brass, all that the world has ever done for liberty.

It will be noticed that fifty-five votes were cast for the adoption of the constitution and one for its

rejection,¹² at the last morning session. Of the fifty-five votes, forty-three were present and twelve were voted by proxy. At the afternoon session forty-one signed the constitution. The difference of two were those of Thomas M. Blount, of Escambia, and A. G. Semmes, of Franklin, each of whom voted aye on its passage at the morning session, but failed to sign it at the closing session in the afternoon. Two of those whose votes were cast by proxy for the adoption of the constitution at the morning session and who did not sign it at the afternoon session—John M. G. Hunter and L. A. Thompson—signed the constitution later, accordance with the resolution adopted at the afternoon session permitting those who were absent to sign upon application to the secretary.

That the original of this interesting document, which meant so much to the people of that day, should be lost in later years beyond probable recovery, illustrates the transitory nature of human affairs.

(Continued next issue the QUARTERLY)

¹² The irreconcilable Richard Fitzpatrick of Dade County. He attended practically every session, fought all the way through, and in the end voted against the adoption of the constitution.